



Standard Operating Procedure

SUBJECT:	Policy for Removal of Nuisance ^{1,2} Encampments.
INTENT:	To remove nuisance encampments from the public property or rights-of-way, parks, and City facilities.
RESPONSIBLE PERSON(S):	City Manager's Office, Fire and Police Departments
CRITICAL TIMING:	Year round
OBJECTIVES:	To Protect Public Health and Safety

Background

In an effort to protect public health and safety to the community at large, homeless encampments that contain significant hazards to public health and safety, criminal activity or nuisance conditions must be removed from the public rights-of-way, parks, and property. **The following guidelines must be followed to protect the constitutional rights of persons in those encampments whose personal property remains at these locations.**

PROCEDURES

1) DETERMINATION OF SHELTER AVAILABILITY

- a) Prior to abatement actions, the City shall utilize existing resources and database information to determine the availability of temporary shelters spaces for indigent, homeless individuals on any given night. This determination shall include an accounting for those shelters which impose barriers or conditions on occupants, such as:
 - i) Restrictions on individuals being under the influence of alcohol or controlled substances,
 - ii) Restrictions on the duration of occupancy,
 - iii) Requirements to participate in religious services or treatment,

¹ For purposes of this SOP, "nuisance" shall be defined as the following enumerated conditions, as specified at SCMC Section 4.01.010(16): "the maintenance or use of property in the city in a manner that jeopardizes or endangers the health, safety or welfare of persons on the premises or in the surrounding area; or real property that has been the situs for nuisance activity including, but not limited to: disturbing the peace, illegal drug activity, public drunkenness, drinking alcoholic beverages in public, harassment of passers-by, illegal gambling, prostitution, sale of stolen goods, acts of violence, public urination or defecation, acts of vandalism, acts of lewd conduct, unreasonable loud noise, or excessive littering."

² For purposes of this Standard Operating Procedure, "nuisance" shall not include violations of SCMC Chapter 6.36 – Camping, that do not include other significant nuisance conditions as described in Footnote 1.

- iv) Restrictions on accompanying animals or pets;
 - v) Other restrictions on potentially involuntary acts or conditions, if they are the unavoidable consequence of one's status or being.
- b) So long as there are insufficient temporary shelters, or shelters that are not realistically available to indigent, homeless individuals, the City shall not issue citations or make arrests for involuntarily sitting, lying, and sleeping in public places.

2) OBSERVATION AND IDENTIFICATION OF ENCAMPMENT:

- a) If an encampment is located, City Staff must first observe, document, determine and verify that the encampment constitutes a public nuisance and is located on public property.
- i) The conditions shall be documented with video, photo, and written notes detailing the various conditions of the encampment. This documentation must depict the dangerous health and safety issues, including waste disposal and accumulation, the presence of vectors, and the amount and nature of calls for service for law enforcement, medical, and fire responses. Said documentation shall be compiled in a report.
 - ii) The exact location of the property where the encampment is located must be verified with GIS.
 - iii) If located on non-city owned public property, City Staff shall determine whether the owner has a trespass letter on file with the Santa Cruz Police Department (SCPD).
- b) Once shelter availability is established and the encampment location and property ownership are verified, City Staff will then notify the City's designated "Outreach Staff" of the encampment, who will take over project management and coordination.

3) NOTICE AND OUTREACH:

- a) Outreach Staff will first conduct outreach with individuals in the encampment to provide and distribute information and shelter, resources, and other related services. Outreach efforts must be thoroughly documented and include offers to coordinate transportation to available temporary shelter locations.
- i) Outreach Staff will coordinate with County Mental Health, the HOPES Team, HSC, HPHP, and other service providers to ensure maximum participation in outreach efforts in all phases.
 - ii) Outreach Staff will obtain the identity of all individuals located in the encampment.
 - iii) SCPD will determine whether the remaining individuals are currently on court-supervised probation or parole, whether the individual has any outstanding warrants, and/or whether the individual is or has committed any criminal offenses.
 - iv) Outreach Staff will continue to document and memorialize the conditions of the encampment during outreach efforts with photographs, videos, and written notes.
 - v) SCPD will accompany Outreach Staff during these efforts.
- b) Thereafter, Outreach Staff will post the approved Notice to Vacate Form on the property.

- i) The Notice to Vacate Form will indicate the time and date of the deadline to vacate, provide information regarding potential collection and storage of personal property, and the planned disposal of hazardous, unsafe, or perishable items.
- ii) The Notice to Vacate must be posted in multiple visible locations in the area, and inform the person(s) (1) that it is unlawful to reside in the area, and (2) that their items will be removed after seventy-two (72) hours. See the sample notice attached hereto as Exhibit A.
- iii) Outreach Staff will photograph the locations of the Notices to Vacate once the notices are posted to confirm and memorialize their posting.
- c) Individuals shall not be prevented from accessing the encampment to retrieve personal belongings before vacating the encampment site.
- d) Outreach Staff will conduct continuing outreach efforts, and document the same, during the pendency of the notice period.
 - i) Outreach Staff will re-post the Notices to Vacate if they are removed, and thereafter photograph shall again the locations of the re-posted Notices to Vacate to confirm and memorialize their posting.
- e) Outreach Staff will assist in the coordination of, and transportation of, individuals and personal belongings to available shelter locations and storage program sites.
 - i) Resources for the transportation of individuals and their belongings must be provided for during the notice period.

4) CLEAN UP

- a) At the conclusion of the notice period, Outreach Staff will continue to conduct and document outreach efforts for all individuals remaining in the encampment.
- b) At the conclusion of the notice period, Clean Up Staff shall visit the encampment and shall review, collect, and arrange for the storage of any items personal belongings left at the encampment site.
 - i) Clean Up Staff will collect, bag, and label personal belongings left at the site. A "Notice of Collected Property" will be posted where the original "Notice to Vacate" was previously posted and will contain the appropriate Call Center telephone number. See the sample notice attached hereto as Exhibit C.
 - ii) Clean Up Staff shall itemize the personal belongings collected and include the location, date, and time of collection on a City itemization form.
 - iii) The collected belongings must be stored at an appropriate facility for at least ninety (90) days.
- c) Simultaneously, Clean Up Staff shall visit the encampment and shall review, collect, and arrange for the disposal of hazardous, unsafe, or perishable items left at the encampment site.
 - i) Clean Up Staff shall immediately dispose of belongings that are considered to be clearly trash or are unsafe for storage, such as food or food wrappers, soiled items, or used personal hygiene items. See the list of examples of items that shall be immediately discarded attached hereto as Exhibit B.

- ii) During the clean up process, if the Clean Up Staff notices hazardous materials or any other biohazards (such as blood, urine, human waste, etc.), they shall contact County of Santa Cruz Environmental Health and report their findings. They are instructed to make the area safe when possible, and leave those items behind.
- d) City Staff shall not confiscate or remove belongings from site when the occupant is present, absent a reasonable belief that the belongings are an immediate threat to public health and safety or are evidence of a crime or contraband.

5) ENFORCEMENT

- a) After the conclusion of the notice period, SCPD, supported by Outreach Staff, will make contact any individuals remaining in the encampment.
 - i) Outreach Staff will attempt to connect supportive services to any remaining individual.
- b) SCPD may issue warnings or citations to individuals who have refused to vacate the encampment. Depending on the exact location of the encampment, the conditions of the encampment, and the identity, criminal history, and potential violations of any remaining individual where the encampment is located, SCPD has discretion to take appropriate enforcement action including, but not limited to:
 - i) Arrests for outstanding warrants,
 - ii) Arrests for probation or parole violations,
 - iii) Citations and arrests for trespassing (Penal Code § 602),
 - iv) Citations and arrests under the Santa Cruz Municipal Code §§
 - (1) 4.02.090 [maintenance or use of property in a manner that constitutes a public nuisance],
 - (2) 13.04.011(c) [Entering or remaining in any park, building, facility, grounds, or park road when closed],
 - (3) 9.12.070 [subsequent offense for alcohol violations],
 - (4) 9.60.010/030 [trespassing on business property, where applicable]
 - v) *If amended, and adequate shelter space exists*, Santa Cruz Municipal Code Chapter 6.36 [Camping];
 - vi) Enforcement action for other nuisance-related violations, such as littering, discharge of waste, defecation/urination, violations of Health and Safety Code provisions re: controlled substances, or other apparent violations of law.

6) FOLLOW UP

- a) Once the encampment has been cleared of individuals and their personal property, City Staff shall ensure that any remaining nuisance conditions (litter, perishable items, waste) are properly removed and abated.
- b) Once the encampment is removed and the property is cleaned up, City staff shall take such steps as necessary to prevent the reoccurrence of the encampment, including posting of appropriate

legal notices, issuance of Notices of Violations [requiring fencing or other deterrent measures] to property owners, and implementing other appropriate remediation measures.

Attachments:

Exhibit A - Notice to Vacate

Exhibit B - Guidelines for Property Identification

Exhibit C - Notice of Collected Property

NOTICE TO VACATE ILLEGAL ENCAMPMENT

DATE AND TIME OF POSTING: _____ **LOCATION:** _____

THE CITY OF SANTA CRUZ HAS DEEMED THIS SITE UNINHABITABLE
AND ALL PERSONS ARE DIRECTED TO VACATE THIS SITE
AND REMOVE ANY PERSONAL BELONGINGS.

THE CITY OF SANTA CRUZ WILL BE OUT TO CLEAN THIS SITE

ON: _____
DATE: _____

CITY CREWS WILL ABATE THIS ENCAMPMENT ON
THE DATE SPECIFIED ABOVE, OR ON THE NEXT BUSINESS DAY.

ANY PROPERTY LEFT AT THIS SITE AT THE TIME OF CLEANUP WILL BE
REMOVED FROM THE SITE AND STORED BY THE CITY.
**PROPERTY THAT IS UNSAFE, PERISHABLE, OR HAZARDOUS TO STORE
WILL BE IMMEDIATELY DISCARDED.**

IF YOU HAVE ANY QUESTIONS AND/OR CONCERNS,
PLEASE CALL _____ AT _____.

GUIDELINES FOR PROPERTY IDENTIFICATION

The City will not search through piles or bags of items for valuables or personal property.

Priority items to take to storage: *The following items are considered to have a good likelihood of being considered as valuable or personal property:*

- ID/Social Security cards
- Medications*
- Photos/Photo Albums
- Tax/medical records
- Jewelry
- Eyeglasses
- Purses/backpacks/briefcases
- Suitcases
- Tents
- Phones
- Radios & Electronics
- Tools
- Stoves & Generators
- Bicycles
- Clean Bedding/Sleeping Bags
- Clean Pots & Pans
- Books

*All medications and controlled substances will be turned over to the SCPD.

Items that will not be taken to storage: *The following items are considered to be trash or are unsafe for storage:*

- **Dirty or Soiled:** items that smell or are stained with urine, bodily waste, or mud
- **Perishable:** open food or personal products that will spoil or rot in storage
- **Contaminated:** items used for hygiene or other risk of biohazard (i.e. used toothbrushes, hairbrushes, washcloths and underwear)
- **Hazardous or Explosive:** items that could corrode or burn in storage (i.e. car batteries, gasoline cans, and propane tanks)
- **Broken or Disassembled:** items broken, damaged or stripped of parts (i.e. electronics stripped for copper, flat tires, torn up clothes)
- **Weapons:** weapons will be turned over to the SCPD
- Food/beverage wrapper
- Tissue/paper napkins
- Open household product containers

**NOTICE OF COLLECTED
PROPERTY
("NOC")**

Please take notice that property was collected
at this location on

_____.

by the City of Santa Cruz.

To reclaim your property, please contact the _____
Call Center at (831) _____.

**The property will be stored for ninety (90) days
from this date**

_____.